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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE BARRY T. MOSKOWITZ)

UNITED STATES OF AMERICA,) Criminal No. 07CR3276-BTM
Plaintiff,)
Date: January 25, 2008
Time: 1:30 p.m.
v.)
NOTICE OF MOTIONS AND
MIGUEL MATEO) MOTIONS TO:
Defendant.) 1) DISMISS INDICTMENT DUE TO
) MISINSTRUCTION OF GRAND JURY;
) 2) COMPEL DISCOVERY AND PRESERVE
) EVIDENCE; AND
) 3) GRANT LEAVE TO FILE FURTHER MOTIONS

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND
LUELLA CALDITO, ASSISTANT UNITED STATES ATTORNEY;

PLEASE TAKE NOTICE that on January 25, 2008, at 1:30 p.m., or as soon thereafter as counsel may be heard, the accused, Miguel Mateo, by and through his attorneys, Amber Baylor, and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the motions listed below.

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MOTIONS

Miguel Mateo, the accused in this case, by and through his attorneys, Amber Baylor, and Federal Defenders of San Diego, Inc., pursuant to the Fourth, Fifth and Sixth Amendments to the United States Constitution, Federal Rules of Criminal Procedure and all other applicable statutes, case law and local rules, hereby moves this court for an order:

- 1) To dismiss indictment due to misinstruction of grand jury;
 - 2) To compel further discovery and preserve evidence; and
 - 2) To grant leave to file further motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may come to this Court's attention at the time of the hearing on these motions.

Respectfully submitted,

Dated: January 11, 2007

/s/ Amber Baylor
AMBER BAYLOR
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Mateo